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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,527	05/09/2001	Serge Andre Rigori	5181-78400	6286
7590	10/06/2004		EXAMINER	
B. Noel Kivlin Conley, Rose, & Tayon, P.C. P.O. Box 398 Austin, TX 78767				SUAZO, RAINIER A
		ART UNIT	PAPER NUMBER	2144

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/852,527	RIGORI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Rainier Suazo	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 May 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4,8-11 and 18-21 is/are rejected.  
 7) Claim(s) 5-7,12-17 and 22-24 is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 09 May 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

This application has been examined. Claims 1-26 presented for examination.

### ***Claim Objections***

1. Claims 5-7, 12-17 and 22-24 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim shall not serve as a basis for any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 5-7, 12-17 and 22-24 not been further treated on the merits.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2, 3, 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 2, 3, 9 and 10 recites the limitation "using the associated pointer" in line 7. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 8-10 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (Dynamic-Agents for Dynamic Service Provisioning) hereinafter referenced to as Chen in view of Jacobson et al. (U.S. Patent Number 5,440,744) hereinafter referenced to as Jacobson and further in view of Bhatia et al. (U.S. Patent Number 6,029,203) hereinafter referenced to as Bhatia.

Regarding claim 1, 8 and 18, Chen taught an infrastructure being operable to hold (or support) at least one service module (dynamic-agent) for providing a corresponding service (page 4 paragraph 7 and page 5 paragraphs 3-5), wherein the service gateway comprises a control mechanism (page 5 paragraph 14 and page 6 paragraph 1) that is operable in response to a request for a service provided by a service module not present at the service gateway, to send a message to an external source for resolving the absence of a service module at the gateway (page 5 paragraph 14 and page 6 paragraph 1)

5. Chen did not expressly teach details regarding one or more iterations until a response from the external service identifies information including a service module held by the gateway that enables resolution of the absent service module(s) (conditional loop).

6. Jacobson taught a well known in the art technique of a conditional loop and provided details regarding one or more iterations until a response from the external service identifies information including a service module held by the gateway that enables resolution of the absent service module(s) (column 28 lines 44-52).

Neither Chen nor Jacobson explicitly taught a service gateway for connecting at least one local client to an external network.

7. Bhatia taught a service gateway for connecting at least one local client to an external network (Abstract, Fig.1 and 2a-c)

1. Chen taught that the execution of dynamic-agents agendas including conditional tasks which motivates the exploration of the art using such sort of conditional programming techniques (page 3 paragraph 13). Chen also taught motivation to implement the disclosed infrastructure in networked environments in different ways including: a) the mobility feature of the Dynamic-Agent Architecture that taught how an agent or an agent-factory can launch or cloned at a local or remote site (page 4 paragraph 4), b) the Resource-Broker implementation of a dynamic-agent which in many cases can be a coordinator registering socket addresses resolvable to TCP/IP addresses which is a protocol commonly used in the art to span wide area networks; the resource-broker also maps each program to its address, e.g. URL (Universal Resource Locator) which is also commonly used in the art to describe an address resolvable to a TCP/IP address (page 7 paragraph 6), c) an exemplary explanation of Extended Dynamic Service Provisioning with a product-manager dynamic-agent communicating with the Web Server, this communication typically use TCP/IP (section 5).

2. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Chen, Jacobson and Bhatia to obtain the claimed invention.

8. Regarding claim 2, 9 and 19, interpreted to be dependent on claim 1, 8 and 18 respectively, Chen taught a record of service modules held by the gateway including a reference to the service module (page 4 paragraph 7), the control mechanism being operable: to react to a request identifying a first service module by accessing the record to identify if the first service module is held by the service gateway and: using the associated pointer to cause the first service module to provide the corresponding service if the first service module is held by the service gateway; and requesting support from an external source by sending a message to the external source including the identity of the first service module if the first service module is not held by the service gateway; and to react to a response from the external source identifying a second service module by accessing the record to identify if the second service module is held by the service gateway using the associated pointer to cause the second service module to provide the corresponding service if the second service module is held by the service gateway; and requesting support from an external source by sending a message to the external source including the identity Of the second service module if the second service module is not held by the service gateway (page 4 paragraph 7, page 5 paragraph 14, page 6 paragraph 1 and sections 4 and 4.1)

9. Regarding claim 3, 10 and 20, interpreted to be dependent on claim 1, 8 and 18 respectively, Chen taught the control mechanism is operable to: react to a response from the external source identifying a further service module by accessing the record to identify if the further service module is

held by the service gateway and: using the associated pointer to cause the further service module to provide the corresponding service if the further service module is held by the service gateway; and requesting support from an external source by sending a message to the external source including the identity of the further service module if the further service module is not held by the service gateway (page 4 paragraph 7, page 5 paragraph 14, page 6 paragraph 1).

10. Claims 4, 11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (Dynamic-Agents for Dynamic Service Provisioning) hereinafter referenced to as Chen in view of Jacobson et al. (U.S. Patent Number 5,440,744) hereinafter referenced to as Jacobson and further in view of Bhatia et al. (U.S. Patent Number 6,029,203) hereinafter referenced to as Bhatia and further in view of Marsh et al. (U.S. Patent Number 5,519,381) hereinafter referenced to as Marsh.

11. Regarding claims 4, 11 and 21, interpreted to be dependent on claim 1, 8 and 18 respectively, neither Chen, Jacobson, nor Bhatia explicitly taught the control mechanism operable to compare successive responses from an external source to identify response duplication indicative of a recursive error.

12. Marsh taught the control mechanism operable to compare successive responses from an external source to identify response duplication (column 2 lines 21-24)

13. Chen taught a request-broker useful for redundant server (page 7 paragraph 11), flexible communication features (page 5 paragraphs 7-9) and automatic management of communications issues (page 6 paragraph 1) that

suggest and motivates the exploration and application of the art elements to detect and manage communication errors.

14. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Chen, Jacobson, Bhatia and Marsh to obtain the claimed invention.

***Prior Art Made of Record***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent no. 6,614,784, Glitho et al., teaches a system and method of service provisioning in a telecommunications network.

U.S. Patent no. 6,115,737, Ely et al. teaches a customer contact services node/Internet gateway that connects a user to the services and to information from a provider via the Internet.

U.S. Patent no. 6,115,744, Robins et al. teaches an apparatus and method for use in a data processing system to connect a client application with a target service program over a network.

U.S. Patent no. 6,178,438, Tschirhart et al. teaches a service management system for an advanced intelligent network.

U.S. Patent Application Publication no. US 2002/0062334 A1, Chen et al. teaches Dynamic-Agents for Dynamic Service Provisioning.

U.S. Patent no. 5,754,939 by Herz et al. teaches a system related to customize electronic identification of desirable objects, the system searches external sources (providers).

Heskett, Sun Unveils Embedded Server 1998, News.com.

Sun Microsystems Delivers Next Generation of Residential Gateway Server Technology for the Networked Home October, 10 2000, Sun.com.

Specification Overview, January 2000, The Open Services Gateway Initiative, Version 1.0.

Malek et al, On-Line Provisioning of Network Services, May 1998, IEEE Journal on Selected Area in Communications, Vol. 6, No 4.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rainier Suazo whose telephone number is (571) 272-3931 or (703) 305-3887. The examiner can normally be reached on Monday through Friday, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571) 272-3925 or (703) 308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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